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FISCAL IMPACT STATEMENT

LS 7406

BILL NUMBER: SB 547

NOTE PREPARED: Jan 18, 2015

BILL AMENDED:

SUBJECT: Veterans and Courts.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

Veteran's Courts: It provides that a problem-solving court that is a veteran's court and the services of the court are available to veterans who are convicted of a misdemeanor or felony in another court in another county.

It also provides that the Indiana Judicial Center (IJC) shall establish at least one problem-solving court that is a veteran's court in each of the judicial districts.

Rules: The bill requires the board of directors of the Judicial Conference of Indiana to adopt rules prescribing how courts and counties shall cooperate with one another concerning a veteran under the jurisdiction of a veteran's court in a different county.

Funding: The bill requires the IJC, in conjunction with the Criminal Justice Institute and the Indiana Department of Veterans Affairs, to seek funding for veteran's courts.

Mitigating Factor: It provides that a court may consider as a mitigating factor that a person convicted of a crime is a veteran who has certain conditions that favor suspending the sentence and imposing probation.

Appropriations: The bill makes an appropriation to the IJC for problem-solving courts.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Summary:* The bill appropriates \$520,000 from the state General Fund

in the 2016-2017 biennium to veteran's courts. The administrative costs of the Indiana Judicial Center (IJC) may increase to establish rules and seek funding for problem-solving courts. However, by establishing an alternative to incarceration and adding to the mitigating circumstances to be considered in sentencing, cost for incarceration of certain individuals may be reduced.

Regional Problem-Solving Veteran's Courts: The bill makes an appropriation of \$260,000 in FY 2016 and in FY 2017 from the state General Fund to be distributed for the establishment, training, and certification of veteran's courts in each of the judicial districts.

The IJC board will incur additional expenses to prescribe how courts and counties may cooperate, and the IJC may incur additional costs pursuing sources of funding for the courts and their services. The IJC is to work with the Criminal Justice Institute and the Department of Veterans Affairs to pursue the additional sources.

Mitigating Circumstances: The bill adds to the mitigating circumstances that a judge may consider when imposing a sentence, a person who is a veteran and who has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury. This could slightly reduce the number of convicted offenders who would need to be committed to Department of Correction (DOC) facilities, but could increase the number of offenders who may be placed on probation. The specific impact cannot be determined, but is expected to be small.

The court is required to order the veteran whose sentence is suspended or who is ordered to probation because of these mitigating circumstances to receive treatment for the injuries that were the basis of the mitigation. If the veteran is unable to pay for treatment through the veteran's own resources, including veteran's medical benefits, the state or the county may be responsible for paying for treatment. For Medicaid to pay for services, the veteran would have to meet the economic eligibility, and the treatment would have to be a covered service.

Additional Information - There are 26 administrative districts established by Indiana Rules of Court Administration Rule 3; 14 districts do not have a veteran's court.

Of the 20,842 admissions to a DOC facility in FY 2014, 690 (3.3%) offenders were identified as having served in the armed forces, and 5,368 (25.8%) had no information available.

Explanation of State Revenues:

Explanation of Local Expenditures: *Mitigating Circumstances:* The number of offenders who may be committed to probation instead of a DOC facility or jail cannot be determined. The costs for treatment of those given a suspended sentence or probation is indeterminate and would be based on financial need and an individual's access to services through the veteran's own resources. [See also *Explanation of State Expenditures*.]

Explanation of Local Revenues:

State Agencies Affected: Indiana Judicial Center; Criminal Justice Institute; Department of Veteran's Affairs.

Local Agencies Affected: Trial courts.

Information Sources: IJC, *Problem-Solving Court Directory*, December 18, 2014; Indiana Rules of Court Administration Rule 3.

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